

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTOINETTE AUSTIN,

Plaintiff,

v.

Case Number 13-10098

Honorable David M. Lawson

Magistrate Judge R. Steven Whalen

ART CENTER TOWN AND
CARRIAGE HOMES NORTH, LLC,
JOEL S. WEBER, LOFT WAREHOUSE,
SOBRA MENDOTTA, LEE GORDON,
BANK OF AMERICA, N.A., ALICE
GIBSON, and SECURITIES EXCHANGE
COMMISSION,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING ALL CLAIMS AGAINST
DEFENDANTS ART CENTER TOWN AND CARRIAGE HOMES NORTH, LLC,
JOEL S. WEBER, LOFT WAREHOUSE, AND SOBRA MENDOTTA ONLY**

Presently before the Court is the report issued on August 29, 2013 by Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. § 636(b), recommending that the Court dismiss as frivolous the plaintiff's claims against defendants Art Center Town and Carriage Homes North, LLC, Joel S. Weber, Loft Warehouse, and Sobra Mendotta. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #16] is **ADOPTED**.

It is further **ORDERED** that the defendants' motion to dismiss [dkt. #6] is GRANTED.

It is further **ORDERED** that the plaintiff's claims against defendants Art Center Town and Carriage Homes North, LLC, Joel S. Weber, Loft Warehouse, and Sobra Mendotta **ONLY** are **DISMISSED WITH PREJUDICE**.

s/David M. Lawson

DAVID M. LAWSON
United States District Judge

Dated: September 17, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 17, 2013.

s/Shawntel Jackson

SHAWNTEL JACKSON